

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

WILLIAM TARR, as Personal  
Representative of the  
ESTATE OF CONNOR WILLIAM  
TARR,

3:15-CV-02243-PK

ORDER

Plaintiff,

v.

USF REDDAWAY, INC., an  
Oregon corporation; YRC  
WORLDWIDE, INC., a Delaware  
corporation; GERALD THOMAS  
TRUELOVE, an individual,

Defendants.

BROWN, Judge.

Magistrate Judge Paul Papak issued Findings and Recommendation (#31) on February 23, 2016, in which he recommends this Court grant in part and deny in part Defendants' Motion (#16) to Dismiss; grant Plaintiff leave to amend his Complaint to allege Plaintiff's residency; dismiss without prejudice Plaintiff's claims against Defendant YRC Worldwide, Inc.; and

deny as moot the Motion (#27) to Strike of Defendants YRC and USF Reddaway, Inc. Plaintiff filed timely Objections to the Findings and Recommendation (#45). The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). *See also Dawson v. Marshall*, 561 F.3d 930, 932 (9<sup>th</sup> Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9<sup>th</sup> Cir. 2003)(*en banc*).

This Court has carefully considered Plaintiff's Objections and concludes they do not provide a basis to modify the Findings and Recommendation. The Court also has reviewed the pertinent portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and Recommendation.

### CONCLUSION

The Court **ADOPTS** Magistrate Judge Papak's Findings and Recommendation (#31). Accordingly, the Court **DENIES as moot** the Motion (#27) to Strike of Defendants YRC and USF Reddaway and **GRANTS in part** and **DENIES in part** Defendants' Motion (#16) to Dismiss as follows:

- (1) The Court **DENIES as moot** Defendants' Motion to Dismiss

to the extent they seek dismissal of Plaintiff's claims  
for lack of subject-matter jurisdiction and

(2) The Court **GRANTS** Defendants' Motion to Dismiss  
Plaintiff's claims against YRC for lack of personal  
jurisdiction and **DISMISSES without prejudice**  
Plaintiff's claims against YRC.

The Court **GRANTS** Plaintiff leave to file an Amended  
Complaint to allege Plaintiff's residency **no later than June 1,**  
**2016,** consistent with Magistrate Judge Papak's Findings and  
Recommendation (#31) and this Order.

IT IS SO ORDERED.

DATED this 17<sup>th</sup> day of May, 2016.

/s/ Anna J. Brown

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ANNA J. BROWN  
United States District Judge